

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8903 of 2006

DATED: 27-04-2006

BETWEEN

Rajaputra Naga Bhaskar Singh.

...PETITIONERS

AND

Vijayawada Municipal Corporation, represented by its Commissioner,
Vijayawada, Krishna District.

...RESPONDENT

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THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8903 of 2006

ORDER:

This petition is filed seeking a writ of mandamus to declare the action of the respondent in interfering with the property bearing R.S.No.66 situated at Bhavanipuram Village, Vijayawada, as illegal, arbitrary and also violative of the provisions of Article 14 and 300-A of the Constitution of India.

The case of the petitioner is that he purchased a residential plot to an extent of 556.86 sq. yards in R.S.No.66 situated at Bhavanipuram, Vijayawada, vide registered document No.1198. Out of the said property, he has sold an extent

of 136.11 sq. yards, situated on northern side, in favour of one G.Vittal, vide registered document No.5621/02 and another extent of 132.28 sq. yads on northern side of the property sold in favour of one Smt P. Anasuya Devi, vide registered document No.5760 of 2002 and that remaining extent of about 288 sq. yards of land is in his physical possession and enjoyment. While so, with the intervention of his neighbours, the officials of the respondent directed him on 20-04-2006 to remove the fencing chain, without issuing any notice to him. Hence, the writ petition.

Having regard to the facts and circumstances of the case, I do not find any basis for the apprehension of the petitioner and that if any portion of the property is required for public purpose, the respondent cannot demolish the structures of the said premises without acquiring the same by following due process of law.

Accordingly, the Writ Petition is disposed of directing the petitioner to file a representation before the respondent by enclosing documentary evidence showing his title and possession over the property and if any such representation is filed, the respondent shall consider and dispose of the same in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

V. ESWARAI AH, J

Dated:27-04-2006

sj